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Nidia M. Deras

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9/21/05

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant John O'Brien, et al

on REDUNDANT SIGNAL TRANSMISSION
SYSTEM AND DEPLOYMENT MEANS

Serial No.: 10/667,042

Filed: September 22, 2003

)
) Group Art Unit: 3641
)
) Examiner: James S. Bergin
)
) Confirmation No. 1437
)
) (Our Docket No. 5686-0005-2)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF STEVE BARTHOLOMEW PURSUANT TO 37 CFR 1.132

I Steve Bartholomew, declare that:

- 1) I am part owner and am associated with the holder of the subject application, Shock Tube Systems, Inc., and have been for almost 10 years.
- 2) I formerly was employed by the holder of the two U.S. Patent Nos. 5,365,851 and 5,001,981, filed by Lester Shaw, both of which are assigned by him to my ex-employer Ensign-Bickford (EB).
- 3) While at EB Lester Shaw reported to me and we both worked on EB's "dual tube" product as shown in that EB '981 patent.
- 4) EB's "dual tube" development initially followed the sheathed tube of their '981 patent, with an outer sheath covering the tubes as disclosed in attachment #1 enclosed herewith.

- 5) EB subsequently made an "improvement" to this sheathed dual tube assembly of their Patent No. 5,001,981 by encasing both tubes side-by-side in an extruded sheath similar to that disclosed in '959 Patent No. 2,877,708 to Rey (and cited by the Examiner in the subject application).
- 6) In my opinion and based on facts known to me as a contemporary of the named inventor, Lester Shaw, EB Patent No. 5,365,851 merely shows that "redundant detonating device having paired shock tubes 10 wound about a spool 12" (see Col. 8, lines 9-11) was well known to Lester Shaw from his own prior Patent No. 5,001,981 and from his knowledge of the earlier approach shown in Rey No. 2,877,708, and that Lester Shaw later adapted for EB as an alternative to his '981 patent. The '851 patent does not include details on how these paired tubes are held together, but from the prior art such an assembly was well known, and the details were disclosed in these prior art patents to Shaw and to Rey (5,001,981 and 2,877,708 respectively).
- 7) We, Lester Shaw and myself, never entertained any "bonding" of these paired tubes as disclosed for the first time in this application.
- 8) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Steve Bartholomew
Name

St. Bartholomew
Signature

6 Sept. 2005
Date